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Attorneys for North Star Trust Company

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

THOMAS FERNANDEZ, LORA SMITH,  
and TOSHA THOMAS

Plaintiffs,

vs.

K-M INDUSTRIES HOLDING CO., INC.;  
K-M INDUSTRIES HOLDING CO., INC.  
ESOP PLAN COMMITTEE; WILLIAM  
E. AND DESIREE B. MOORE  
REVOCABLE TRUST; TRUSTEES OF  
THE WILLIAM E. AND DESIREE B.  
MOORE REVOCABLE TRUST;  
ADMINISTRATOR OF THE ESTATE OF  
WILLIAM E. MOORE, DECEASED; CIG  
ESOP PLAN COMMITTEE; and NORTH  
STAR TRUST COMPANY,

Defendants.

Case No. C06-07339 CW

**DEFENDANT NORTH STAR TRUST  
COMPANY'S ADMINISTRATIVE  
MOTION FOR AN ORDER TO FILE  
DOCUMENTS UNDER SEAL RELATED  
TO NORTH STAR TRUST COMPANY'S  
MOTION FOR SUMMARY JUDGMENT  
RE STATUTE OF LIMITATIONS**

1 TO EACH PARTY AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE THAT pursuant to Local Rules 7-11 and 79-5 of the Northern  
3 District of California, North Star Trust Company, by and through its undersigned counsel of  
4 record, hereby moves for an administrative order to file certain documents and portions of  
5 documents under seal.

6 The parties stipulated to, and the Court entered, a Protective Order on March 16, 2007.  
7 Docket No. 29 ("Protective Order"). Under the terms of the Protective Order, a party may  
8 designate documents or testimony as "confidential" or "highly confidential – attorneys' eyes  
9 only." In the North Star's memorandum supporting its Motion for Summary Judgment re Statute  
10 of Limitations, North Star relies upon the documents and testimony so designated, the particulars  
11 of which are identified in the accompanying Declaration of Nicole A. Diller in Support of North  
12 Star's Administrative Motion for an Order to File Documents Under Seal. Pursuant to the  
13 Protective Order, a party seeking to file confidentially-designated documents or information must  
14 comply with Local Rule 79-5 to seek the sealing of the documents. For the reasons stated above,  
15 North Star requests the documents referenced in the accompanying Declaration of Nicole A.  
16 Diller be sealed.

17  
18 Dated: June 26, 2008

Respectfully submitted,

19 MORGAN, LEWIS & BOCKIUS LLP

20  
21 /S/ Nicole A. Diller

22 Nicole A. Diller  
23 Donald P. Sullivan  
24 Andrew C. Sullivan

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26  
27 Attorneys for Defendant North Star Trust  
28 Company

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STAR TRUST COMPANY,

Defendants.

Case No. C06-07339 CW

**DECLARATION OF NICOLE A. DILLER  
IN SUPPORT OF DEFENDANT NORTH  
STAR TRUST COMPANY'S  
ADMINISTRATIVE MOTION FOR AN  
ORDER TO FILE DOCUMENTS UNDER  
SEAL**

1 I, Nicole A. Diller, declare and state as follows:

2 1. I am a partner with the law firm of Morgan, Lewis & Bockius LLP ("Morgan  
3 Lewis"), attorneys of record for Defendant North Star Trust Company. I am licensed to practice  
4 law in the State of California and have been admitted to practice in the Northern District of  
5 California. Except as otherwise indicated, I have direct and personal knowledge of the facts set  
6 forth in this Declaration and, if called and sworn as a witness, I would competently testify to these  
7 facts.

8 2. I make this declaration under Local Rules 7-11 and 79-5 in support of Defendant's  
9 Motion for an Administrative Order to File Documents under Seal Related to Defendant's Motion  
10 For Summary Judgment Re Statute of Limitations.

11 3. The parties in this action stipulated to a Protective Order, which this Court  
12 approved on March, 16, 2007. *See* Docket No. 29 ("Protective Order"). Under the Protective  
13 Order, a party may designate documents or testimony as "confidential" or "highly confidential –  
14 attorneys' eyes only," and documents or testimony so designated must be filed under seal.

15 4. Morgan Lewis' records reflect that the following documents or portions of  
16 documents were designated as "confidential" or "highly confidential – attorneys' eyes only"  
17 under to the Protective Order:

18 a. Exhibits 7, 20, 23, 41, 42, 44, 46, 47, 52, 55, 57, 61, 64, 71, 73, and 95 to  
19 the Declaration of Nicole Diller in Support of Defendant North Star Trust Company's Motion for  
20 Summary Judgment re Statute of Limitations ("Diller Declaration");

21 b. That portion of the transcript of the deposition of John Hommel attached as  
22 Exhibit 66 to the Diller Declaration;

23 5. In addition, under the terms of the Protective Order, the portions of North Star's  
24 memorandum supporting its Motion for Summary Judgment re Statute of Limitations that relate  
25 to the documents referenced in subparagraphs (a) and (b) above must also be filed under seal.

26 6. I have met and conferred with Plaintiffs' counsel, who has no objection to this  
27 motion to file documents under seal.

1 I declare under penalty of perjury under the laws of the United States of America that the  
2 foregoing is true and correct.

3 Executed this 25th day of June 2008 at San Francisco, California.  
4

5 /S/ Nicole A. Diller

6 Nicole A. Diller  
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Case No. C06-07339 CW

**[PROPOSED] ORDER GRANTING  
DEFENDANT NORTH STAR TRUST  
COMPANY'S ADMINISTRATIVE  
MOTION FOR AN ORDER TO FILE  
DOCUMENTS UNDER SEAL RELATED  
TO NORTH STAR TRUST COMPANY'S  
MOTION FOR SUMMARY JUDGMENT**

1 Having reviewed Defendant North Star Trust Company's ("Defendant") Administrative  
2 Motion for an Order to File Documents Under Seal Related to North Star Trust Company's  
3 Motion for Summary Judgment re Statute of Limitations, the Declaration of Nicole Diller in  
4 Support of Defendant's Motion, and the papers submitted by Defendant, Defendant's Motion is  
5 hereby GRANTED, and the Court orders the following documents sealed:

6 1. Exhibits 7, 20, 23, 41, 42, 44, 46, 47, 52, 55, 57, 61, 64, 71, 73, and 95 to the  
7 Declaration of Nicole Diller in Support of Defendant North Star Trust Company's Motion for  
8 Summary Judgment re Statute of Limitations ("Diller Declaration");

9 2. That portion of the transcript of the deposition of John Hommel attached as  
10 Exhibit 66 to the Diller Declaration;

11 3. The portions of North Star's memorandum supporting its Motion for Summary  
12 Judgment re Statute of Limitations that relate to or reference the documents referenced in  
13 subparagraphs (a) and (b) above.

14  
15 **IT IS SO ORDERED.**

16 Dated: \_\_\_\_\_

17 \_\_\_\_\_  
18 The Honorable Claudia Wilken  
19 United States District Judge  
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